

ORDINANCE NO. G – 2016 - 07

INTRODUCED BY: JONATHAN WEAVER
COMMITTEE: PUBLIC WORKS

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS THE RIGHT-OF-WAY OF LOCUST/WALNUT ALLEY, IN THE CITY OF EVANSVILLE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section I: That, pursuant to MEC Section 12.05.450, et seq., a sworn petition was presented to the Common Council of the City of Evansville, Indiana, requesting that the public place or public way described in Section III below be vacated by Evansville Health Realty, L.L.C.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council of the City of Evansville, Indiana, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached as Exhibit A, which is made a part of this Ordinance:

All of the alley lying between Locust Street and Walnut Street and running parallel with and between Fourth and Fifth Streets, bounded by the southwesterly lot lines of Lots 233 through 236, inclusive, of Donation Enlargement of the City of Evansville, as per plat thereof recorded in Plat Book E, pages 6 and 7 in the office of the Recorder of Vanderburgh County, Indiana; and the northeasterly lines of Lots 197, 198 and 199 of said Donation Enlargement, and Lot 4 of Fosters Subdivision of Lot 200 in Donation Enlargement as per plat thereof recorded in Plat Book B, page 32, in the office of the Recorder of Vanderburgh County, Indiana; and more particularly described by metes and bounds as follows:

FILED

FEB 01 2016

Anna Windhorst
CITY CLERK

BEGINNING at the northerly-most corner of Lot 4 in said Fosters Subdivision; thence North 57 degrees 36 minutes 25 seconds East 12.00 feet along the southeasterly right-of-way of Locust Street to the westerly-most corner of Lot 233 of said Donation Enlargement; thence South 32 degrees 25 minutes 34 seconds East 300.16 feet along the southwesterly right-of-way of Lots 233 through 236, inclusive, of Donation Enlargement to the southwesterly corner of said Lot 236, also being a point on the northeasterly line where the alley intersects the northwesterly right-of-way of Walnut Street; thence South 57 degrees 36 minutes 17 seconds West 12.00 feet along the northwesterly right-of-way of Walnut Street to a point where said right-of-way of Walnut Street intersects the southwesterly line of the alley, said point also being the easterly-most corner of Lot 197 of Donation Enlargement; thence North 32 degrees 25 minutes 34 seconds West 300.16 feet along the northeasterly line of Lots 197, 198 and 199 of Donation Enlargement and the northeasterly line of Lot 4 of Fosters Subdivision to the POINT OF BEGINNING

(the "Public Way")

Section IV. That the vacation of the public way described in Section III above shall be subject to the following easements::

A. Evansville Water and Sewer Utility – A 12' water line centered over the existing waterline;

B. AT&T–Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana, an Indiana corporation, and its affiliates and licensees, successors and assigns – A non-exclusive easement within the Public Way in favor of Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana, an Indiana corporation, and its affiliates and licensees, successors and assigns, in, under, over, upon and across the Public Way, for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provisions of communications, video and/or information services and/or any other services or uses for which such facilities may be used, including, but not limited to, equipment cabinets or enclosures and support posts or pads, cables,, wires, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the Public Way to provide service to such facilities, the right to remove or trim trees or brush as is necessary to exercise the rights conveyed herein, and the right of ingress and egress across the property and the Public Way;

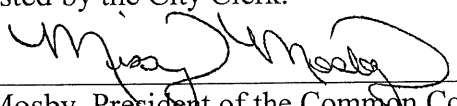
C. Southern Indiana Gas & Electric Co., d/b/a Vectren Energy Delivery of Indiana, Inc. (the "Company") – An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities or above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips

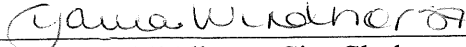
of land, as shown on the attached drawing, made a part hereof, and marked "Exhibit A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strip of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

D. WOW! – A 12' easement for the placement and maintenance of telecommunications facilities that lie within the Public Way.

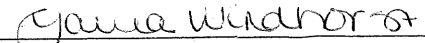
Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the public way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 22 day of February, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.



Missy Mosby, President of the Common Council,
City of Evansville, Indiana

ATTEST: 
Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 24 day of Feb, 2016, at 3:00 o'clock P.m. for his consideration and action thereon.


Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 25th day of FEBRUARY, 2016, at 10:00 o'clock A.m.



Lloyd Winnecke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATION COUNSEL

H:\RE\Lochmueller Group-Med School\Vacations\Locust Chestnut Alley\Ordinance.docx

EXHIBIT "A"

Final 10, 2015, 4:14pm User: J.A.F.
 File: S:\2014\11-2014\11-2014\11-2014\11-2014.dwg

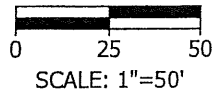
S.E. 4th Street

Locust Street

Walnut Street

P.O.B.

N 57°36'25"E 12.00'



Lot 1
FOSTER'S SUBDIVISION
OF LOT 200 (H)
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 2
FOSTER'S SUBDIVISION
OF LOT 200 (H)
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 3
FOSTER'S SUBDIVISION
OF LOT 200 (H)
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 4
FOSTER'S SUBDIVISION
OF LOT 200 (H)
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 233
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 234
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Access Point Estate Project 1
Deed Dated 12, 2004 07.0

Lot 199
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Access Point Estate Project 1
Deed Dated 12, 2004 07.0

Lot 198
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 235
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

Lot 197
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

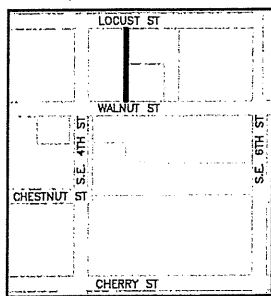
Lot 236
DONATION ENLARGEMENT
PLAT BOOK E, PAGES 6-7

N 32°25'34"W 300.16'

S 32°25'34"E 300.16'


To Be Vacated

S 57°36'17"W 12.00'



ALLEY VACATION DRAWING BETWEEN 4th & 5th STREETS AND LOCUST AND WALNUT STREETS

ISSUED	0	
REVISION	NO.	DATE

		DRAWN BY: D.A.G.	DATE: 3/24/15
6200 Vogel Road Phone: 812.479.6200		CHECKED BY: J.A.F.	SCALE: 1"=50'
Evansville, Indiana 47715 Toll Free: 800.423.7411		LOCH. GROUP PROJECT NO. 114-0070	

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH)

SS:

ORDINANCE NO. G-2016- 07

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA

IN THE MATTER OF THE PETITION FOR VACATION
OF A PLATTED PUBLIC WAY OR PLACE

PETITION FOR VACATION OF RIGHT-OF-WAY

Evansville HealthRealty, L.L.C., by counsel, hereby petitions the Common Council of the City of Evansville, Indiana, pursuant to the provisions of Section 12.05.450, et seq., of the Municipal Code of Evansville, to vacate the public right-of-way of Locust/Walnut Alley, in the City of Evansville, Indiana (collectively, the "Public Way"). In support of this Petition, Evansville HealthRealty, L.L.C., states as follows.

1. Evansville HealthRealty, L.L.C., is an Indiana limited liability company. The names and mailing addresses of its members are set forth on Exhibit "A."

2. Evansville HealthRealty, L.L.C., owns the real estate adjacent to the Public Way and has plans to construct a medical school and related facilities on the property.

3. The Public Way is currently used and maintained as a public road or right-of-way.

4. The legal description of the Public Way, signed and certified by an Indiana registered surveyor, is attached hereto and incorporated herein as Exhibit "B."

5. The correct names, addresses and zip codes of all abutting owners of land are shown on Exhibit "C," attached hereto.

6. A site plan and location map showing the general location, the existing conditions and proposed changes with the Public Way marked "TO BE VACATED" is attached hereto and made a part hereof as Exhibit "D."

7. The following utilities have consented to the proposed vacation and do not require easements as evidenced by the letters attached hereto as Exhibit "E":

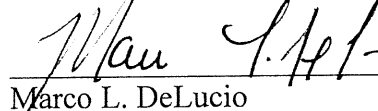
- City Engineer's Office and Department of Transportation Services
- Evansville Fire Department
- Time Warner Cable

8. The following utilities/departments have consented to the proposed vacation provided they are granted easements within the vacated Public Way as evidenced by their letters attached hereto as Exhibit "F":

- Southern Indiana Gas & Electric Company, d/b/a Vectren Energy Delivery of Indiana, Inc.
- Evansville Water and Sewer Utility
- AT&T
- WOW!

WHEREFORE, Evansville HealthRealty, L.L.C., respectfully requests the Common Council of the City of Evansville, Indiana to vacate the Public Way.

EVANSVILLE HEALTHREALTY, L.L.C.



Marco L. DeLucio
ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
P. O. Box 916
Evansville, Indiana 47706-0916
Phone: 812-424-7575
Fax: 812-421-5089

Attorney for Petitioner

APPROVED AS TO FORM


Ted C. Ziemer, Jr.

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

20 NW First Street, 9th Floor

P. O. Box 916

Evansville, Indiana 47706-0916

Phone: 812-424-7575

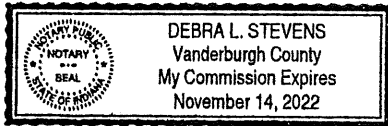
Fax: 812-421-5089

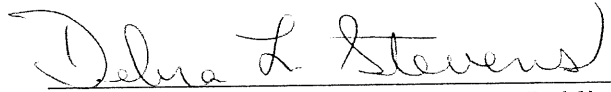
STATE OF INDIANA)

SS:

COUNTY OF VANDERBURGH)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 31st day of January,
2016.




_____, Notary Public

County of Residence

My Commission Expires

EXHIBIT "A"

The applicant is:

Evansville HealthRealty, LLC
401 NW First Street
Evansville, IN 47708

The sole manager of Evansville HealthRealty, LLC is:

US HealthRealty, LLC
5000 Meridian Blvd, Suite 100
Franklin, TN 37064

EXHIBIT "B"

LEGAL DESCRIPTION

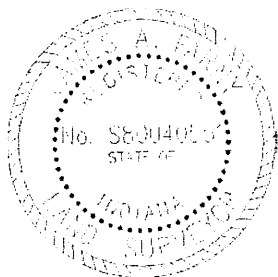
SEE FOLLOWING PAGE

ALLEY VACATION DESCRIPTION
BETWEEN 4TH & 5TH STREETS AND
LOCUST AND WALNUT STREETS
MARCH 24, 2015

All of the alley lying between Locust Street and Walnut Street and running parallel with and between Fourth and Fifth Streets, bounded by the southwesterly lot lines of Lots 233 through 236, inclusive, of Donation Enlargement of the City of Evansville, as per plat thereof recorded in Plat Book E, pages 6 and 7 in the office of the Recorder of Vanderburgh County, Indiana; and the northeasterly lines of Lots 197, 198 and 199 of said Donation Enlargement, and Lot 4 of Fosters Subdivision of Lot 200 in Donation Enlargement as per plat thereof recoded in Plat Book B, page 32, in the office of the Recorder of Vanderburgh County, Indiana; and more particularly described by metes and bounds as follows:

BEGINNING at the northerly-most corner of Lot 4 in said Fosters Subdivision; thence North 57 degrees 36 minutes 25 seconds East 12.00 feet along the southeasterly right-of-way of Locust Street to the westerly-most corner of Lot 233 of said Donation Enlargement; thence South 32 degrees 25 minutes 34 seconds East 300.16 feet along the southwesterly right-of-way of Lots 233 through 236, inclusive, of Donation Enlargement to the southwesterly corner of said Lot 236, also being a point on the northeasterly line where the alley intersects the northwesterly right-of-way of Walnut Street; thence South 57 degrees 36 minutes 17 seconds West 12.00 feet along the northwesterly right-of-way of Walnut Street to a point where said right-of-way of Walnut Street intersects the southwesterly line of the alley, said point also being the easterly-most corner of Lot 197 of Donation Enlargement; thence North 32 degrees 25 minutes 34 seconds West 300.16 feet along the northeasterly line of Lots 197, 198, and 199 of Donation Enlargement and the northeasterly line of Lot 4 of Fosters Subdivision to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.



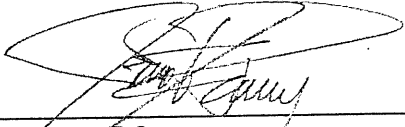

James A. Farny, P.S.
Indiana Registration No. S80040051

EXHIBIT "C"

PROPERTY OWNERS WITHIN 200 FEET

SEE FOLLOWING PAGE

I U Medical - Alleys Street Vacations
Abutting Property Owners
January 29, 2016

Owner	Mailing Address	City/Zip	Property Address	Parcel No.
Alley Vacation between 4th/5th & Locust/Walnut				
Alley Vacation between Lots in Hallock/Stoddard				
Fifth Street Vacation between 4th & 6th S of Walnut St				
1 Chestnut Street Properties I LLC	215 SE 4th Street	Evansville IN 47713	215-225 SE Fourth St	82-06-30-020-020.004-029
02 HTA Evansville Fourth LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	212 SE Fourth St	82-06-30-020-030.018-029
03 HTA Evansville Main LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	216 SE Fifth St	82-06-30-020-032.015-029
04 HTA Evansville Main LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	421 Chestnut St	82-06-30-020-030.001-029
5 Crow, Robert T	5815 Madison Ave	Evansville IN 47715	318 Walnut St	82-06-30-020-019.016-029
6 Reising, Raymond F	1311 SE 2nd St	Evansville, IN 47713	102-104 SE Fourth St	82-06-30-020-029.009-029
6a Reising, Raymond F	1311 SE 2nd St	Evansville, IN 47713	112-122 SE Fourth St	82-06-30-020-029.015-029
7 Holweger Mgt Partnership LP	955 A S Hebron Ave	Evansville IN 47714	508 Locust St	82-06-30-020-034.014-029
8 Hands On Discovery Inc	P.O. Box 122	Evansville IN 47701	22 SE Fifth St	82-06-30-020-034.017-029
9 City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 304	Evansville IN 47708	15 SE Fifth St	82-06-30-020-028.018-029
10 City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	22 SE Fourth St	82-06-30-020-028.001-029
11 Evansville Redevelopment Authority	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	601 Main St	82-06-30-020-040.001-029
12 City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	Pt Arena Tract	82-06-30-020-041.017-029
13 City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	614 Walnut St	82-06-30-020-041.010-029
14 HCW Evansville Hotel LLC, Attn: Richard Huffman	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	601 Walnut St	82-06-30-020-106.001-029
15 City of Evansville Dept of Redevelopment	153 S. Payne Stewart Dr	Branson, MO 65616	225 SE MLK Jr Blvd	82-06-30-020-106.002-029
25 Rennie, Douglas A & Maria J Nichols-Rennie H/W	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	100 SE Fourth St	82-06-30-020-029.007-029
26 Luxury Leasing LLC	527 S Villa Dr	Evansville IN 47714	411-413 Locust St	82-06-30-020-029.010-029
27 LOML Properties LLC	5701 Washington Ave	Evansville IN 47715	101-105 SE Fourth St	82-06-30-020-019.007-029
28 Goldman, Robert T	101 SE Fourth St	Evansville IN 47708	107 SE Fourth St	82-06-30-020-019.008-029
29 Kissel, Matthew J	107 SE Fourth St	Evansville IN 47708	113 SE Fourth St	82-06-30-020-019.010-029
30 Grampp, Glenn A	219 Oak Street Rear	Evansville IN 47713	115-117 SE Fourth St	82-06-30-020-019.011-029
31 Dodd, Jaya C	P.O. Box 3401	Evansville IN 47733-3401	119 SE Fourth St	82-06-30-020-019.012-029
32 Dodd, Jaya C	119 SE Fourth St	Evansville IN 47708	123 SE Fourth St	82-06-30-020-019.013-029
36 New Odyssey Investments, LLC	119 SE Fourth St	Evansville IN 47708	201 SE Fourth St	82-06-30-020-020.001-029
37 Marshall, Shelby & Theresa	200 N Green River Rd	Evansville IN 47715	211 SE Fourth St	82-06-30-020-020.003-029
	P.O. Box 252	Evansville, IN 47702		

EXHIBIT "D"

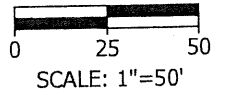
SITE PLAN/LOCATION MAP

SEE FOLLOWING PAGES

Locust Street

P.O.B.

N 57°36'25"E 12.00'



S.E. 4th Street

Lot 1
FOSTER'S SUBDIVISION
OF LOT 200 (A)
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 2
FOSTER'S SUBDIVISION
OF LOT 200 (A)
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 3
FOSTER'S SUBDIVISION
OF LOT 200 (A)
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 4
FOSTER'S SUBDIVISION
OF LOT 200 (A)
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 233
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 234
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Access Road Center Parcel 1
Road Owner ID: 12114216

Lot 199
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Access Road Center Parcel 2
Road Owner ID: 12114216

Lot 198
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 235
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 197
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

Lot 236
DONATION EMBARGEMENT
PLAT BOOK E, PAGES 67

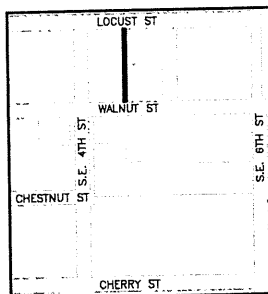
N 32°25'34"W 300.16'

To Be Vacated

S 32°25'34"E 300.16'

S 57°36'17"W 12.00'

Walnut Street



ALLEY VACATION DRAWING BETWEEN 4th & 5th STREETS AND LOCUST AND WALNUT STREETS



6200 Vogel Road Evansville, Indiana 47715
Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY:	DATE:
D.A.G.	3/24/15
CHECKED BY:	SCALE:
J.A.F.	1"=50'
LOCH. GROUP PROJECT NO.	
114-0070	

ISSUED	0	
REVISION	NO.	DATE

EXHIBIT "E"

UTILITY/DEPARTMENT LETTERS – NO EASEMENT REQUIRED



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

August 12, 2015

Marco L. DeLucio
Ziemer Stayman Weitzel Shoulders LLP
20 NW First Street
Ninth Floor, PO Box 916
Evansville, IN 47706-0916

Re: Proposed Vacation of Public Way, Locust/Walnut Alley, Evansville Health Realty, LLC

Dear Mr. DeLucio,

In regards to your letter dated August 11, 2015, the supplied legal description executed March 25, 2015, and the supplied drawing dated 3/24/15 (all attached for reference), the following comments are provided:

Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation. Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, appearing to read "Chris Weil", is written over a horizontal line.

By: Chris Weil, P.E.
Assistant City Engineer

Attachments

Cc: File

Debbie Stevens

From: Cruse, Jim
Sent: Wednesday, August 12, 2015 8:35 AM
To: Debbie Stevens
Cc: jfarny@lochgroup.com; Schmitt, Brent A.
Subject: RE: IU Med Center

Debbie,

You will receive a response letter from the City Engineering Department which will also cover the Traffic Engineering Department.

Thanks,
Jim

From: Debbie Stevens [<mailto:dstevens@zsws.com>]
Sent: Tuesday, August 11, 2015 4:37 PM
To: Cruse, Jim
Cc: jfarny@lochgroup.com
Subject: IU Med Center

Mr. Cruse,

As you know, we represent Evansville Health Realty L.L.C. the developer for the IU Med School (the "Med School Project"). We are in the process of vacating a street and two (and maybe three) alleys for the Med School Project which will be accomplished by filing 3 (maybe 4) separate Petitions to Vacate. Attached is a letter requesting your input as required by the City Code for the vacation request. We would like to be in position to file this Petition by August 17. As such, your prompt attention to this matter would be appreciated

Please feel free to contact me with any questions you may have.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS & SONS, P.C.

ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

PHONE (812)424-7575 | FAX (812)421-5089 | ZSWS.COM

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ZIEMER STAYMAN
WEITZEL SHOULDERS LLP
ATTORNEYS AT LAW

20 NW FIRST STREET NINTH FLOOR PO BOX 916
EVANSVILLE INDIANA 47706-0916
PHONE 812 424 7575 FAX 812 421 5089
ZSWS.COM

Writer's E-mail: MDeLucio@zsws.com

August 11, 2015

VIA E-MAIL – baschmitt@evansville.in.gov

Brent A. Schmitt, P.E., City Engineer
Room 321
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – Locust/Walnut Alley

Dear Mr. Schmitt:

A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as Locust/Walnut Street Alley, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please review the same for any impact from the standpoint of the City Engineer's office as to public safety and tender your findings to me in writing.

Please do not hesitate to contact me via email or telephone with any questions.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

A handwritten signature in black ink, appearing to read "M. DeLucio".

Marco L. DeLucio
Attorney for Petitioner

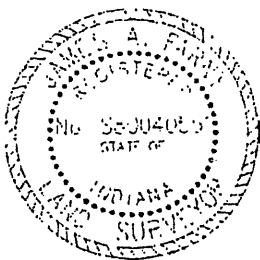
Enclosures

ALLEY VACATION DESCRIPTION
BETWEEN 4TH & 5TH STREETS AND
LOCUST AND WALNUT STREETS
MARCH 24, 2015

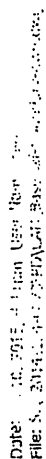
All of the alley lying between Locust Street and Walnut Street and running parallel with and between Fourth and Fifth Streets, bounded by the southwesterly lot lines of Lots 233 through 236, inclusive, of Donation Enlargement of the City of Evansville, as per plat thereof recorded in Plat Book E, pages 6 and 7 in the office of the Recorder of Vanderburgh County, Indiana; and the northeasterly lines of Lots 197, 198 and 199 of said Donation Enlargement, and Lot 4 of Fosters Subdivision of Lot 200 in Donation Enlargement as per plat thereof recoded in Plat Book B, page 32, in the office of the Recorder of Vanderburgh County, Indiana; and more particularly described by metes and bounds as follows:

BEGINNING at the northerly-most corner of Lot 4 in said Fosters Subdivision; thence North 57 degrees 36 minutes 25 seconds East 12.00 feet along the southeasterly right-of-way of Locust Street to the westerly-most corner of Lot 233 of said Donation Enlargement; thence South 32 degrees 25 minutes 34 seconds East 300.16 feet along the southwesterly right-of-way of Lots 233 through 236, inclusive, of Donation Enlargement to the southwesterly corner of said Lot 236, also being a point on the northeasterly line where the alley intersects the northwesterly right-of-way of Walnut Street; thence South 57 degrees 36 minutes 17 seconds West 12.00 feet along the northwesterly right-of-way of Walnut Street to a point where said right-of-way of Walnut Street intersects the southwesterly line of the alley, said point also being the easterly-most corner of Lot 197 of Donation Enlargement; thence North 32 degrees 25 minutes 34 seconds West 300.16 feet along the northeasterly line of Lots 197, 198, and 199 of Donation Enlargement and the northeasterly line of Lot 4 of Fosters Subdivision to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 20 15.



James A. Farny, P.S.
Indiana Registration No. S80040051





LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

August 14, 2015

Marco L. Delucio
Ziemer, Stayman, Weitzel & Shoulders
20 NW First Street, 9th Floor
PO Box 916
Evansville, IN 47706

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Delucio;

We recognize & acknowledge request for Vacation Right-of-way of area known as the Foster's Subdivision Alley, lying between and parallel to SE Fourth Street and SE Fifth Street referenced on the Alley Vacation Drawing, Vacation Documents, Evansville, Vanderburgh County, Indiana.

- 1) Existing easement for Foster's Subdivision Alley, running southeast aprox. 300.16' at a dimension in width of 12.00' from Locust Street to Walnut Street. This alley runs parallel to and lies between SE Fourth & SE Fifth Street.

Existing Conditions: Street/Roadway

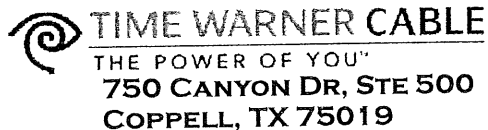
Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.

Sincerely,

Dan Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428





October 12, 2015

Marco L. Delucio
ZSWS
20 NW First St 9th Floor | PO Box 916
Evansville, IN 47706

SUBJECT: IU Med Center - Vacation of Locust/Walnut Alley

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment alleyway between Locust St and Walnut St in Evansville, IN.

If applicable, please contact the INDIANA Excavation Safety System (INDIANA 811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.


Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

EXHIBIT "F"

UTILITY/DEPARTMENT LETTERS – EASEMENTS REQUIRED



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

August 12, 2015

Ziemer Stayman Weitzel Shoulders LLP
Attn: Marco Delucio
20 NW First St. 9th Floor – PO Box 916
Evansville, IN 47706

Re: Petition to Vacate an existing alley lying between 4th and 5th streets and Locust and Walnut Streets in the City of Evansville, Vanderburgh County, Indiana and further described and shown on the attached exhibits.

Petitioner: Evansville Health Realty, L.L.C.

Dear Mr. Delucio:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and there are currently existing electric distribution facilities within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric line:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked Exhibit "A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris, SR/WA
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785

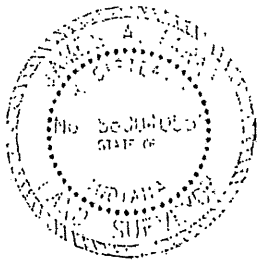
EXHIBIT "A"

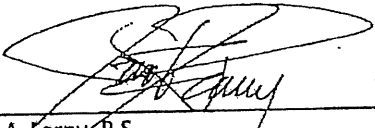
ALLEY VACATION DESCRIPTION BETWEEN 4TH & 5TH STREETS AND LOCUST AND WALNUT STREETS MARCH 24, 2015

All of the alley lying between Locust Street and Walnut Street and running parallel with and between Fourth and Fifth Streets, bounded by the southwesterly lot lines of Lots 233 through 236, inclusive, of Donation Enlargement of the City of Evansville, as per plat thereof recorded in Plat Book E, pages 6 and 7 in the office of the Recorder of Vanderburgh County, Indiana; and the northeasterly lines of Lots 197, 198 and 199 of said Donation Enlargement, and Lot 4 of Fosters Subdivision of Lot 200 in Donation Enlargement as per plat thereof recoded in Plat Book B, page 32, in the office of the Recorder of Vanderburgh County, Indiana; and more particularly described by metes and bounds as follows:

BEGINNING at the northerly-most corner of Lot 4 in said Fosters Subdivision; thence North 57 degrees 36 minutes 25 seconds East 12.00 feet along the southeasterly right-of-way of Locust Street to the westerly-most corner of Lot 233 of said Donation Enlargement; thence South 32 degrees 25 minutes 34 seconds East 300.16 feet along the southwesterly right-of-way of Lots 233 through 236, inclusive, of Donation Enlargement to the southwesterly corner of said Lot 236, also being a point on the northeasterly line where the alley intersects the northwesterly right-of-way of Walnut Street; thence South 57 degrees 36 minutes 17 seconds West 12.00 feet along the northwesterly right-of-way of Walnut Street to a point where said right-of-way of Walnut Street intersects the southwesterly line of the alley, said point also being the easterly-most corner of Lot 197 of Donation Enlargement; thence North 32 degrees 25 minutes 34 seconds West 300.16 feet along the northeasterly line of Lots 197, 198, and 199 of Donation Enlargement and the northeasterly line of Lot 4 of Fosters Subdivision to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.




James A. Farny, P.S.
Indiana Registration No. S80040051



LLOYD WINNECKE
MAYOR

EVANSVILLE WATER & SEWER UTILITY

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

August 13, 2015

Mr. Marco L. DeLucio
20 NW First Street, 9th Floor
P.O. Box 916
Evansville, IN 47706-0916

Re.: Proposed Vacation – Alley from Locust Street to Walnut Street, between 4th Street and 5th Street

Mr. DeLucio,

This letter is in response to your request to vacate an existing alley from Locust Street to Walnut Street between 4th Street and 5th Street for a total length of 300.16 feet. The Evansville Water and Sewer Utility (EWSU) have the following requirements:

An 8" sanitary sewer line exists in the southeast portion of this alley corridor. The sewer runs approximately 91 feet from the Walnut Street Right-of-Way to serve an existing customer. The EWSU requires a 12-foot sanitary sewer easement centered over the existing sewer line and 15-feet beyond its terminal point.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in cursive script that reads "Michael D. Labitzke".

Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering



ZIEMER STAYMAN
WEITZEL SHOULDERS LLP
ATTORNEYS AT LAW

20 NW FIRST STREET NINTH FLOOR PO BOX 515
EVANSVILLE INDIANA 47706-0916
PHONE 812 434 7575 FAX 812 421 5059
ZSWS.COM

August 11, 2015

VIA E-MAIL: mlabitzke@ewsu.com

Evansville Water / Sewer Utility
Michael D. Labitzke, P.E.
Deputy Director of Utilities – Engineering
P.O. Box 19
Evansville, Indiana 47740

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – Locust/Walnut Alley

Dear Mr. Labitzke:

A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as Locust/Walnut Alley, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please let me know as soon as possible whether the above-described property to be vacated is subject to an easement in favor of Evansville Water & Sewer and if so, please provide me with the required easement language.

Should you have any questions or concerns with this matter, do not hesitate to contact me.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

A handwritten signature in black ink, appearing to read "M. DeLucio".

Marco L. DeLucio
Attorney for Petitioner

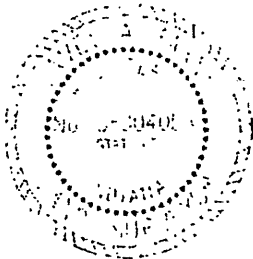
Enclosure

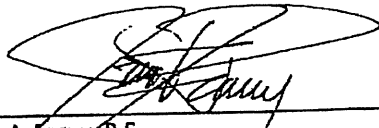
ALLEY VACATION DESCRIPTION
BETWEEN 4TH & 5TH STREETS AND
LOCUST AND WALNUT STREETS
MARCH 24, 2015

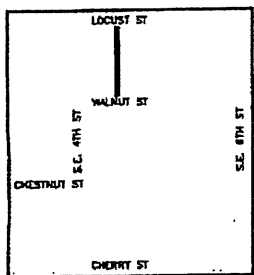
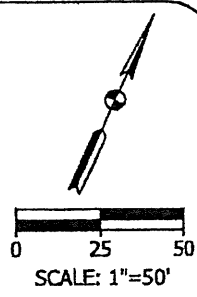
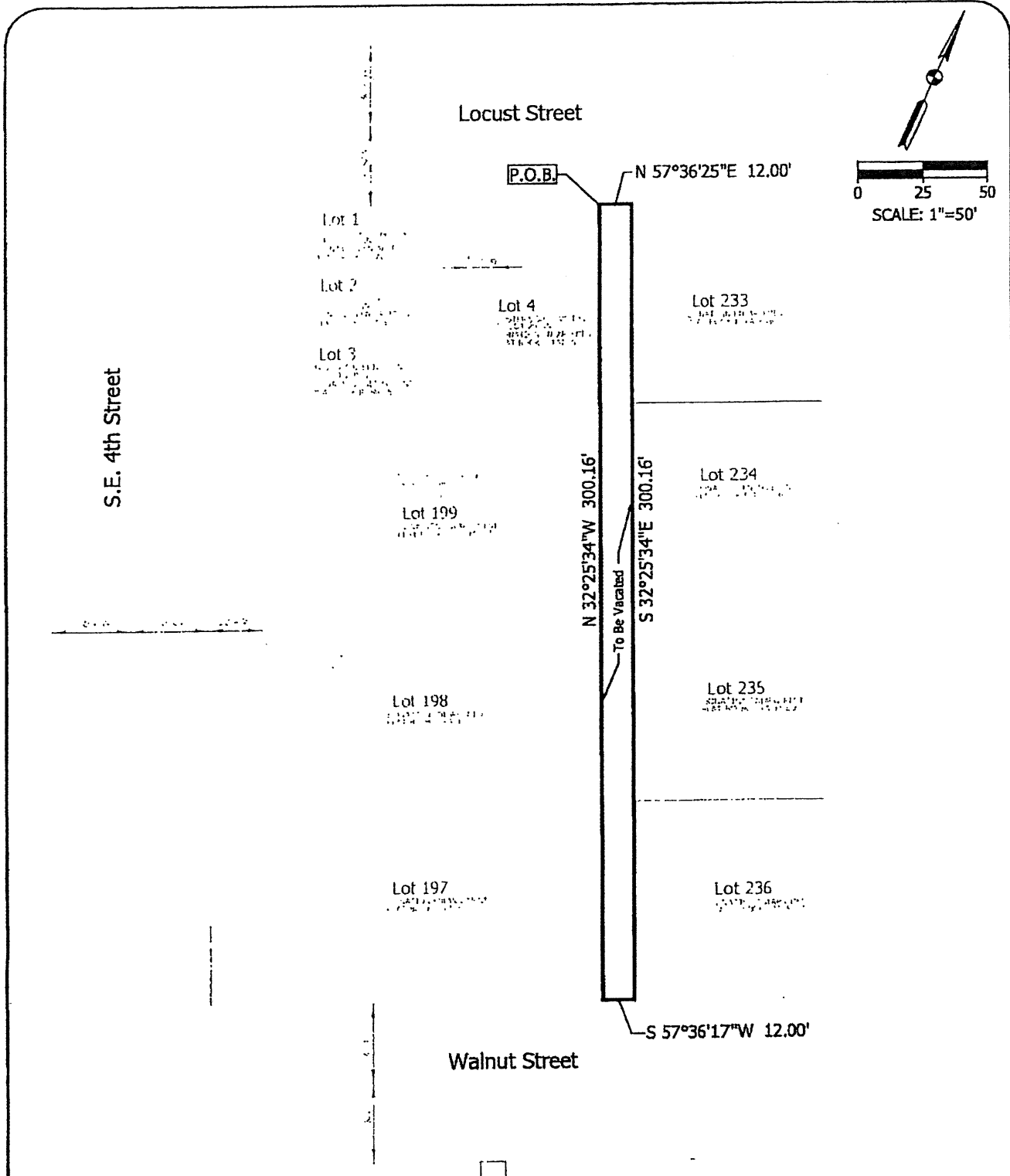
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Witness my hand and seal this 25th day of March, 20 15.




James A. Farny, P.S.
Indiana Registration No. S80040051



ALLEY VACATION DRAWING BETWEEN 4th & 5th STREETS AND LOCUST AND WALNUT STREETS			
		DRAWN BY: D.A.G.	DATE: 3/24/15
6200 Vogel Road Evansville, Indiana 47715 Phone: 812.479.6200 Toll Free: 800.423.7411		CHECKED BY: J.A.F.	SCALE: 1"=50'
ISSUED 0	REVISION N/A	LOCH GROUP PROJECT NO. 114-0070	



August 13, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First Street 9th Floor
PO Box 916
Evansville, Indiana 47706

Re: Evansville Health Realty, L.L.C.
Petition for Vacation of Right-of-Way – Locust/Walnut Alley

Dear Mr. Delucio,

I have reviewed our records related to your request for the vacation of the public way known as Locust/Walnut Alley as depicted on your drawing titled "Alley Vacation Drawing Between 4th & 5th Streets and Locust and Walnut Streets", sent to AT&T on 8/11/15.

AT&T has no objections to the vacation of the indicated right-of-way, subject to reservations of easement as follows:

AT&T has existing facilities - consisting of a combination of poles, aerial and buried cables, conduit and closures within portions of the indicated right-of-way. AT&T reserves easement rights therein for Indiana Bell Telephone Company, Incorporated dba AT&T Indiana, an Indiana Corporation, and its affiliates and licensees, successors and assigns a non-exclusive easement in, under, over, upon and across the Easement Area, for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to, equipment cabinets or enclosures and support posts or pads, cables, wires, pedestals or other above-ground cable or wire enclosures, marker posts and signs, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the Property and Easement Area to provide service to such facilities, the right to remove or trim trees or brush as is necessary to exercise the rights conveyed herein, and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the easement.

If your client will require the relocation of AT&T's facilities please contact the AT&T Custom Work Order Group (1/888/901/2779) to obtain a cost estimate.

Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink, appearing to read "Andy Polz".

Andy Polz
AT&T Engineering Department
Office: 812-464-6055
Email: af1896@att.com

Marco DeLucio

From: Thomas Cheski
Sent: Monday, December 07, 2015 11:49 AM
To: Marco DeLucio
Cc: James Detalente
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street



December 7, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

RE: Petition for Vacation – Evansville Health Realty, L.L.C – Petition for Vacation of Right-of-Way – Locust/Walnut Alley

Dear Mr. Delucio,

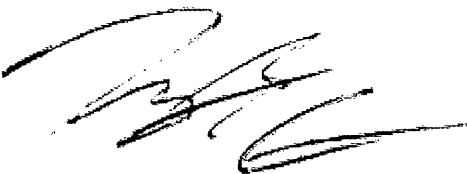
The SIGECOM/WOW Outside Plant Engineering department reviewed Petition for Vacation of Right-of-Way – Locust/Walnut Alley.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation and will need to retain a 12 foot easement granted in its favor for placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon cost reimbursement for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by SIGECOM/WOW for conditional vacation is valid for one hundred and eighty (180) days.

Please contact my office should you have any questions or need any additional information.

Sincerely,



Tom Cheski

Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com

From: Marco DeLucio [<mailto:mdelucio@zsws.com>]
Sent: Sunday, December 06, 2015 10:52 AM
To: Thomas Cheski
Cc: James Detalente; Christian Andersen
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street

Mr Cheski,

Thanks for your letter of October 28 (see below). We have a couple of requests:

First, we believe there is a typo in your letter below in the second paragraph. I have highlighted the words South Englewood Ave. I believe this should read Fifth Street. If you agree, please re-issue a corrected letter.

Second, we have also not received responses to vacation requests we sent to WOW back in August-both of which related to the same IU Medical School Project. Attached are those letters. Would you kindly let us know if WOW approves these other two vacation requests and whether any easements need to be maintained in the alleys to be vacated?

We await your response.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS & ASSOCIATES, P.C.
ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

PHONE (812)424-7575 | FAX (812)421-5089 | ZSWS.COM

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From: Thomas Cheski [<mailto:thomas.cheski@wowinc.com>]
Sent: Wednesday, October 28, 2015 10:59 AM
To: MDeLucio@zsws.com

Cc: James Detalente; Christian Andersen
Subject: Petition for Vacation of Right-of-Way – 5th Street

October 28, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

Re: Evansville Health Realty L.L.C.
Petition for Vacation of Right-of-Way – 5th St.

Mr. Delucio,

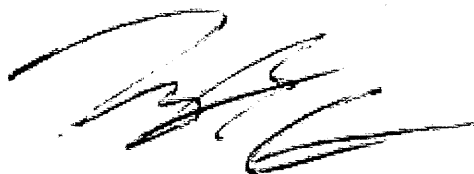
The SIGECOM/WOW Outside Plant Engineering department reviewed the request for the vacation of the 5th St. right-of-way Between Walnut and Chestnut Streets as depicted on your drawing titled "Vacation of 5th Street Drawing. The findings of this review determined that SIGECOM/WOW does have aerial cabling facilities within the right-of-way of the 5th St. right-of-way Between Walnut and Chestnut Streets in Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the 5th St. right-of-way. SIGECOM/WOW will need to retain an easement granted in its favor on South Englewood Avenue for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,



Tom Cheski
Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com